

*#4 \$ DAE***PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number

1130295-900111

First named inventor: Vincent Marinkovich

Application No.: 09/764,224

Group Art Unit: Not assigned

Filed: January 16, 2001

Examiner: Not assigned

Title: Methods and Composition For Cancer Treatment

Attention: Office of Petitions  
Commissioner of Patents and Trademarks  
Box DAC  
Washington, D.C. 20231

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

Small entity-fee \$ 650.00 (37 CFR 1.17(m)).  
Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)).

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in  
the form of Signed declaration in response to the  
Notice to File Missing Parts (identify the type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see (PTO/SB/63)).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH LLP

Dated: January 14, 2003

By: George Limbach  
George C. Limbach  
Reg. No. 19,305  
Attorneys for Applicant(s)

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650-833-2434

Enclosures:  Check in the amount of \$ 715.00 Which includes \$650 petition fee and \$65 fee for late filing (missing parts fee)  
 Reply in the form of a signed Declaration in response to Notice to File Missing Parts  
 Terminal Disclaimer Form  
 Additional sheets containing statements establishing delay  
 Other: Fee Transmittal (in duplicate)  
 Copy of Notice to File Missing Parts  
 Signed Power of Attorney  
 Change of Correspondence Address  
 Postcard

[Page 2 of 2]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST CLASS MAIL in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231.

January 14, 2003 Kathleen LaBrie  
Date Signature

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